



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

19 AUG 2010

AX-10-001-2412

(b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6)

Dear (b) (6) (b) (6):

Thank you for your letter of July 15, 2010 concerning the U.S. Environmental Protection Agency's (EPA) recent actions regarding Arch Coal's Spruce No. 1 Surface Mine located in Logan County, West Virginia.

The Spruce No. 1 Mine is one of the largest mountaintop mining operations authorized in Appalachia and occurs in a watershed where many streams have been previously impacted by mining operations. As authorized, the project will impact 2,278 surface acres and place fill material into approximately 7.5 miles of streams. It is important to note that EPA has not rescinded the permit authorized by the Army Corps of Engineers (Corps) but has initiated a process to determine if the project will have unacceptable adverse effects on the aquatic environment.

The Proposed Determination was published in the *Federal Register* on April 2, 2010. A public hearing was conducted on May 18, 2010 in Charleston, West Virginia. EPA accepted comments in writing on the Proposed Determination through June 4, 2010. Because EPA is still in the process of reviewing comments, EPA has not made a final determination as to the outcome of this process and therefore it would be inappropriate at this time to respond specifically to your comments. All comments received from the public will be reviewed and carefully considered by EPA to determine the appropriate next step in the process.

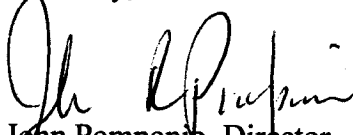
Ultimately, EPA's process will result in one of three outcomes: (1) EPA could decide to use its discretion to prohibit any discharges from the project, including the construction of valley fills; (2) EPA could decide that the project cannot go forward under the permit as currently issued, but could go forward under a modified permit that would include more environmentally protective conditions; or (3) EPA could decide that the permit as currently issued is sufficiently protective. More information about the 404(c) process and copies of relevant documents, including the Proposed Determination, may be found at:
<http://www.epa.gov/region03/mtntop/spruce1.html>.



EPA recognizes the importance of coal to Appalachia and to the nation's energy mix, as well as the importance of a strong, diverse, and sustainable Appalachian regional economy. Nevertheless, EPA's primary obligation is to prevent harm to our waters and the environment based on law and science.

If you have any questions, please do not hesitate to contact me or have your staff contact Jessica Martinsen, at 215-814-5144.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pomponio".

John Pomponio, Director
Environmental Assessment and Innovation Division

